

*approved by  
ARB 4-12-18*



**Architectural Review Board**  
**Supplemental Meeting Minutes**  
**March 22, 2010**  
**City Hall, Conference Room**  
**Fredericksburg, Virginia**

**Members Present**

Robin Wood, Chair  
Jamie Scully  
Donna Chasen  
Lisa Peverill  
Marilynn Mendell  
J. Brown

**Members Absent**

Owen Lindauer

**Staff**

Erik Nelson

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Ms. Wood called the meeting to order at 7:30 p.m.

**OPENING REMARKS**

Ms. Wood determined that a quorum was present. Mr. Nelson stated that public notice requirements had been met. Ms. Wood asked Mr. Nelson to introduce the topic of discussion.

**OLD BUSINESS**

Mr. Nelson stated that City Council, at the request of Councilmember Matt Kelly, had asked the Board to review the definition of visibility from a public right of way, which is the adopted justification for architectural review in the Historic District. At issue are two questions. First is whether the Rappahannock River is properly identified as a public right of way. The second question is whether architectural review of those aspects of a property not visible from a public right of way is an appropriate public policy.

Mr. Nelson reviewed the written materials that had been provided for the March 8 meeting and summarized the public comments that had been made at that time. Mr. Raymond Herlong (1009 Prince Edward Street) had spoken in favor of the ARB reviewing every elevation of a property, as a way to fully meet its preservation obligations. Mr. Kenny Johnson (1511 Princess Anne Street) emphasized what he thought to be inconsistencies between various aspects of the City Code and urged reconciliation. Mr. Hamilton Palmer (1500 Caroline Street) claimed the river to be a public right of way and indicated his support of the ARB reviewing everything, whether visible to the public or not. Mr. Nelson also noted that Matthew Scott (606 George Street) had called the office on January 26<sup>th</sup> and stated, in very strong terms, that he did not support expanding ARB review to portions of properties not visible to the public.

The Board decided it did not need to address whether the Rappahannock River is a public right of way. The river is certainly a public waterway, but whether it is properly called a right of way is a legal matter. Instead, the Board focused on the merits of expanding ARB review in two distinct areas. The first would be the view from historic places across the Rappahannock River, such as Chatham and Ferry Farm. The group easily reached consensus that the views of Fredericksburg from specific historic places across the river could be useful, although they also recognized that the level of detail would be different because of the distances involved. The second area of discussion was whether it would be appropriate or useful to review all sides of a property, whether visible to the public or not. The group did not reach any consensus on expanding review to areas not visible to the public. Owen Lindauer had previously stated for the record (noted in the minutes from the January 10, 2010 meeting, which were distributed to the group) that there was a long established standard for limiting a locality's architectural oversight to aspects of properties visible to the public, although private preservation organizations could always seek to obtain control over aspects of a property that are traditionally private, such as building interiors and elevations not visible to the public. Some members agreed with this view while others thought an expanded review might still be useful. The Board asked the staff to explore how other jurisdictions had addressed these issues, if at all.

Mr. Nelson said he would attempt to conduct this research prior to the April meeting.

### **NEW BUSINESS**

Mr. Nelson stated that the Board needed to bring its Rules of Procedure up to date, to include its Ex Parte provision as well as the sequence in which meetings are conducted. He said he would provide draft amendments for the April 12, 2010 meeting.

Meeting adjourned at 8:55 p.m.

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Robin B. Wood, ARB Chair